

RURAL FIRES.

No. 51 of 1953.

AN ACT to amend the *Rural Fires Act 1950*. [16 November, 1953.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—(1) This Act may be cited as the *Rural Fires Act 1953*. Short title and citation.

(2) The *Rural Fires Act 1950*, as subsequently amended, is in this Act referred to as the Principal Act.

2 Section fifteen of the Principal Act is amended by adding at the end thereof the following subsections:— Special provisions relating to the lighting of fires in rural fire districts.

“(12) Notwithstanding anything in subsections (1) to (7) of this section, it shall be a sufficient compliance with the provisions of those subsections, in the case of a public authority which is responsible for the construction or maintenance of any transmission lines or of any road or railway, if the public authority, before lighting a fire to which subsection (1) of this section relates, gives—

- (a) to the fire warden (if any) for the relevant district not less than seven days' notice of the intention of the public authority to light the fire within the period of twenty-eight days after the expiry of the notice; and
- (b) not less than seven days' public notice, in the prescribed manner, of the intention of the public authority to light the fire within the period of twenty-eight days following the expiry of the notice.

“(13) Notwithstanding anything contained in the foregoing provisions of this section, the Board may, by notice published in the *Gazette* and in a newspaper published or circulating in the relevant fire warden's district, declare that, for such period (not exceeding twelve months after the gazettal of the notice) as is specified in the notice, the provisions of subsection (14) of this section shall apply in respect of the fire warden's district specified in the notice, and thereupon those provisions shall apply accordingly.

“(14) Where a notice under subsection (13) of this section is published in respect of any fire warden’s district, the following provisions shall, during the period specified in the notice, apply to the lighting in that district of fires to which subsection (1) of this section relates, namely:—

- (a) No person shall, in that district, light a fire to which subsection (1) of this section relates, except under the authority and in accordance with the terms and conditions (if any) of a permit for that purpose granted to him by the fire warden for that district;
- (b) The fire warden may, in his discretion, grant or refuse to grant a permit under this subsection to a person who makes application therefor;
- (c) A permit under this subsection may be granted unconditionally or upon and subject to such terms and conditions as the fire warden may determine or as may be prescribed; and
- (d) The grant to a person of a permit under this subsection shall not absolve that person from complying with all the provisions of this Act that are applicable to him.

“(15) If a fire warden refuses to grant to a person who applies therefor a permit under this section, the fire warden shall serve on that person a notice, in writing, stating that the permit has been refused and the reasons for refusing it, and that person may, within fourteen days after the service on him of the notice, appeal from the refusal to the Board.

“(16) The Board may allow or disallow an appeal under this section as it thinks fit, and, if it allows the appeal, may grant a permit to the appellant, either unconditionally or subject to such conditions (if any) as the Board may, in its absolute discretion, impose and as may be specified in the permit.

“(17) Subject to this section, an appeal under this section shall be instituted, heard, and determined as prescribed.”.

Fire danger
days.

3 Section twenty-nine of the Principal Act is amended by omitting from subsection (3) the words “section seventeen or” and substituting therefor the words “section fifteen, section seventeen, or”.
